

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.
	:	15-304-2
v.	:	
	:	CIVIL ACTION NO.
DANTE HILL	:	18-343

MEMORANDUM

Baylson, J.

September 18, 2018

Defendant/Petitioner Dante Hill has filed a Motion to Vacate or Modify his Sentence Under 28 U.S.C. § 2255, claiming that his attorney was ineffective for allowing his speedy trial rights to be violated.

The procedural history of this case, as shown in the Government's response (ECF 141), details a number of motions filed by defense counsel for extension of time for various motions and seeking various forms of relief, including a Motion to Dismiss the Indictment.

On September 15, 2016, Defendant plead guilty to a lesser included offense of that charged in the Indictment, and following a presentence report, the Court imposed a sentence that had been agreed to under Rule 11(c)(1)(C), of 84 months imprisonment, plus supervised release. Although not cited by the Government, the record will show that both when Defendant plead guilty, and at the time of sentencing, he advised the Court, under oath, that he was satisfied with his counsel.

Defendant/Petitioner has not substantiated claim of ineffective assistance of counsel. Aside from negating such a claim by his sworn answers to the Court's questions at the guilty plea and sentencing, the record shows that his rights under the Speedy Trial Act, or his right to a speedy trial under the 6th Amendment, have not been violated. The Government's response

shows that all of the delays and postponements were as a result of the Defendant's motions for extensions and other pretrial relief, and is thus excludable under the Speedy Trial Act.

Furthermore, the Defendant does not make any meritorious arguments regarding his claim for violation of his speedy trial rights under the 6th Amendment, as shown by the Government's brief.

For the above reasons, the Court will enter an Order denying the Defendant's Motion.

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ORDER

AND NOW this 18th day of September, 2018, for the reasons set forth in the foregoing Memorandum, the Motion of Defendant/Petitioner to Vacate or Modify his Sentence Under 28 U.S.C. § 2255 is **DENIED**.

There are no grounds for a certificate of appealability.

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON
United States District Court Judge